

REMARKS

Claims 1-38 are currently active.

The Examiner has objected to Claims 7-15 and 25.

The Examiner has rejected Claims 1-50, 16-20, 26 and 33-35 as being anticipated by Bennett. Applicant respectfully traverses this rejection.

First, it is brought to the Examiner's attention that the attorney of applicant for the above-identified patent application was also the attorney who wrote and prosecuted the Bennett patent. Applicant's attorney is intimately familiar with the Bennett patent.

Bennett teaches a scheduler that provides for fair use of a server amongst different entities. There is only taught a single server which performs functions on the entities, and a single scheduler which keeps track of starting times and finishing times and includes a virtual clock 20 to maintain these times. The single scheduler 10 taught by Bennett operates in the virtual time domain. See, for instance, column 7, lines 55-59 of Bennett. In fact, the scheduler provides services to entities based on a very specific algorithm of virtual time that is found and column 8, lines 45-50 of Bennett.

In contradistinction, Claim 1 of applicant has the limitation of a first level generator and a second level generator. These are two distinct elements that are found in Claim 1. There does not exist a first level generator and a second level generator in any way in the teachings of Bennett, nor is there taught or suggested to be a first level generator and a second level generator in Bennett. These generators correspond to groups of connections with said first level generator identifying which connections in the second level generator corresponds to a group of the first level generator that are to be considered for service. In regard to Bennett, there is no distinction regarding connections. The scheduler simply keeps track of when all the entities to which it is in communication identifies times when they would like service from the server. There is no consideration, teaching or suggestion or thought, of the scheduler identifying a first group of connections, and from this group determining which connections of the group in the first level generator are to be considered for service by the second level generator. Besides the fact that the scheduler in Bennett is only responding to entities based on their virtual times of starting and finishing, there is no separate server or any other type of generator taught or suggested by Bennett in which the group in the first level generator are to be considered for service.

Applicant does not know how to more clearly state these very simple straightforward facts that the operation and the elements that comprise the teachings of Bennett are distinct and missing the limitations of Claim 1 of applicant.

Again it must be pointed out that in regard to the Examiner's Office Action, paragraph 2, line 3 where it states that Bennett discloses schedulers 10 and 14 for a server, a review of Bennett clearly shows that 14 is the server itself and 10 is a scheduler. There are not two schedulers. The scheduler 10 performs a very different function from the server 14 as taught by Bennett. The scheduler determines when the entities will receive service by the server 14 based on virtual time.

Accordingly, Claims 1-5, 16-20, 26, 33-35 are not anticipated by Bennett.

The Examiner has rejected Claims 6, 21-24, 27-32 and 36-38 as being unpatentable over Bennett in view of Lahat. Applicant respectfully traverses this rejection.

As explained above, Bennett simply fails to meet the limitations of the independent claims of applicant. Lahat does not add anything in pertinent part to the teachings of Bennett to arrive at the limitations of the independent claims of the above-identified patent application. Accordingly, Claims 6, 21-24, 27-32 and 36-38 are patentable over Bennett in view of Lahat.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-38, now in this application be allowed.

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20230, on 3/31/04

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Respectfully submitted,

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